

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 2:18-CV-14315-ROSENBERG/MAYNARD

EDWARD PATRICK PETERSON, JR.,

Plaintiff,

v.

THOR MOTOR COACH, INC.,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO TRANSFER VENUE

THIS CAUSE is before the Court upon Defendant's Renewed Motion to Transfer Venue [DE 15]. The Motion has been fully briefed. For the reasons set forth below, the Motion is granted.


Plaintiff alleges that he is the purchaser of a vehicle and that a certain warranty for that vehicle was violated by Defendant. DE 11. That warranty contains an exclusive forum selection clause, requiring that all legal disputes related to the warranty be brought in the State of Indiana. DE 11-2. Because of the exclusive forum selection clause, venue in this case is governed by *Atlantic Marine Construction Co. v. United States District Court for the Western District of Texas*, 134 S. Ct. 568, 575 (2013). Pursuant to *Atlantic Marine*, this Court should transfer Plaintiff's case to Indiana "unless extraordinary circumstances *unrelated to the convenience of the parties* clearly disfavors a transfer." *Id.* (emphasis added).

Plaintiff's opposition to the instant Motion falls into two categories. First, Plaintiff opposes the Motion on the grounds that it will inconvenience him. Pursuant to *Atlantic Marine*, that is not a proper ground to resist transfer. Second, Plaintiff cites to case law for venue

transfers that do not involve forum selection clauses. That also is not a proper ground to resist transfer and, as a result, the Court can see no reason not to follow *Atlantic Marine*, and Plaintiff has provided none.

For the foregoing reasons, it is **ORDERED AND ADJUDGED** that Defendant's Renewed Motion to Transfer Venue [DE 15] is **GRANTED** and the Clerk of the Court shall transfer this case to the Northern District of Indiana. The Clerk of the Court shall also **CLOSE THIS CASE**. All other pending motions are **DENIED AS MOOT**.

DONE and ORDERED in Chambers at West Palm Beach, Florida, this 19th day of November, 2018.



ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE

Copies furnished to Counsel of Record